



W.P(MD)No.16757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.16757 of 2023

Roja Mary J.

...Petitioner

Vs.

1.The Director of School Education,
Directorate of School Education,
DPI Complex,
College Road,
Chennai – 600 006.

2.The Joint Director (Personnel),
Directorate of School Education,
DPI Complex,
College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
CEO Office,
Alagarkovil Road,
Tallakulam,
Madurai – 625 002.

4.The District Educational Officer,
DEO office,
Trichy Main Road,
Melur, Madurai – 625 106.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to notify the unfilled retirement vacancy as an eligible vacancy for transfer of teachers and direct the 1st respondent to issue transfer order to the petitioner in the Government Higher Secondary School, Therkutheru, Madurai District treating the petitioner request for transfer as one of the priority as a person suffering with 100 percent disability in eyesight, within a specific time limit as specified by this Court.

For Petitioner : Mr.B. Sargunam

For Respondents 1 to 3 : Mr.N. Ramesh Arumugam
Government Advocate

ORDER

This Writ Petition has been filed for issuing direction to the 1st respondent to notify the unfilled retirement vacancy as an eligible vacancy for transfer of teachers and direct the 1st respondent to issue transfer order to the petitioner in the Government Higher Secondary School, Therkutheru, Madurai District treating the petitioner request for



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transfer as one of the priority as a person suffering with 100 percent disability in eyesight, within the time limit stipulated by this Court.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the blind woman and she is classified as a person with Benchmark disability of 100 % blindness as per Section 58(1) of the Rights of Persons with Disabilities Act, 2016. On 05.04.2010, she was appointed as a Social Science Graduate Assistant Teacher in Puluthipatti Government Higher Secondary School, Sivagangai District through a special recruitment drive for blind teachers organized by the Hon'ble Chief Minister of State of Tamil Nadu. Later, through inter District General Transfer Counselling on 07.08.2012 she got transfer to the Government Higher Secondary School, Kottanathampatti, Madurai District. The present destination where she is working is far away from the place of her residence and she has to travel almost 30 Kms up and down daily on public transport and hence, she is facing travel challenges with personal inconvenience. The petitioner's husband is also a blind person and hence, it is necessary for her to get transfer to the school in the nearest



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destination. So, she made a representation on 09.09.2022 when she came to understand that there is a vacancy available for the post of the Social Science in Therkutheru Government Higher Secondary School seeking transfer to the said school. Since the same was not considered, she made another representation on 05.03.2023 to the Chief Minsiter's Cell, which was forwarded to the 4th respondent for consideration. As a result of which, the 4th respondent instructed the petitioner to participate in the general transfer counselling for teachers for the Academic year 2022-2023. The petitioner participated in the general transfer online counselling for B.T Assistant teachers and came to understand that her selected school was not listed in the vacancy list and hence, she was not able to get necessary transfer facility. However, her name is placed in the 1st rank based on an order of priority in the final seniority list among other teachers who attended online counselling. Hence, the petitioner made a detailed representation on 29.05.2023 to the 1st and 2nd respondent seeking transfer to the Government Higher Secondary School, Therkutheru. Since the same was not considered this Writ Petition came to be filed.

4. When this Writ Petition came up for admission, this Court issued a direction to the respondents through the learned the Government



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Advocate Mr.N.Arumugam to consider this case sympathetically since the same is deserving case and take necessary action.

5. Today, the learned Government Advocate would submit that since the counselling process during the year 2022 – 2023 has been completed, effective steps has been taken to transfer the petitioner on deputation basis, as required by her in the Government Higher Secondary School, Therkutheru vide order, dated 27.07.2023. However, the learned counsel for the petitioner submitted that the petitioner may be disturbed at any point of time.

6. Per contra, the learned Government Advocate ensured that she will not be transferred till the next transfer counselling which will be conducted during the academic year 2023-2024.

7. This Court is inclined to give a specific direction to the respondents to permit the petitioner to participate in the online transfer counselling which would be conducted in the next academic year and she has to be accommodated in the same place.



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8. With the above observation, this Writ Petition is allowed.

No costs.

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Index : Yes / No
Internet : Yes/ No
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